
Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the

Working Party on the Transport of Dangerous Goods

11 March 2016

Bern, 14–18 March 2016

Item 5 a) of the provisional agenda

Reports of informal working groups**Comments on document ECE/TRANS/WP.15/AC.1/2016/16****Transmitted by the government of France**

1. We have carefully studied the proposal by Switzerland contained in document ECE/TRANS/WP.15/AC.1/2016/16. Although we agree that some of the issues raised could benefit from further clarification we do not agree on the way these clarifications are drafted. We believe some proposals in that document lead to an overly complicated text and that the issues raised could be more easily clarified without changing the structure and principle of the newly adopted text which has the merit to be in line with the logic of the UN model rules and will facilitate harmonization with multi-modal transport. Further more UN will continue to work in this direction and not following will only create more difficulties in the future.

2. The new structure adopted for RID ADR ADN does not fundamentally change the content of the requirements it just move some requirements at a more appropriate place and makes it more clear in which context they apply. This structure has many merits:

- Clarification of the scope by adding the definition of vehicles in that context.

- Clarification of the transport of damaged vehicles

- Clarification of the status of lithium batteries in vehicles (that was never the case in the former ADR as 1.1.3.7. only applied to vehicles performing a transport operation)

Basically vehicles benefit from the same exemptions but they appear in a more logical place. And in conformity with UN model rules.

3. This text has been developed after long discussions during several sessions of the Joint Meeting and the UN subcommittee and has been subject to compromises and agreement with the concerned industry. We are afraid that, by following the proposals contained in the Swiss, document all the benefits coming from this hard work might get lost. We believe that the issues do not come from the placement of requirements in special provisions or part1 and will not be solved by moving some of the provisions back to part1. In particular we don't understand the logic of the new special provision under proposal5. saying that SP666 and 667 do not apply to vehicles carried as a load. This doesn't make sense because they only apply in this case. So they wouldn't apply at all, including the references to part1 that Switzerland proposes to reintroduce. Therefore in the end no one would know exactly what applies in which case. In general we do not support moving back the provision to part1 when they should not belong to it.

4. Concerning the specific issue raised for lithium batteries we believe the Joint meeting has made the right decision ensuring that the manufacturers will equip their vehicles with safe and conforming batteries. This conformity being linked to a prototype will remain for the life of the battery and doesn't need to be verified later on, except in the specific cases that are clarified by the new provisions. The difficulty of assessing the conformity of a battery during its transport is not specifically linked to vehicles but to the fact that there is not conformity marking on the batteries. This general issue shall not interfere with the specific discussion on vehicles. The UN subcommittee is currently working on the subject in its Lithium battery working group.

5. Concerning the link between 1.1.3.1. b) mentioned in par. 19 to 21. of the document. We believe that the Joint meeting made a conscious decision by not referring to "machinery or equipment" any more. Because the situation has changed with the introduction of the new UN number 3528 to 3530. A Machinery is a type of equipment but not all equipment is a machinery. 1.1.3.1. b) should continue to exempt equipment containing combustible material in their circuits that are not used as power fuels. In addition it is reminded that the UN subcommittee currently works on requirements for articles that will deal with this issue in a more appropriate manner introducing the proposed wording again in SP 363 would only create further confusion. Keeping the wording suggested by Switzerland would create a contradiction between the proper shipping name and the special provision introducing a potential classification difference with other modes.

6. Concerning the problem addressed in paragraphs 16 to 18, the joint meeting made a conscious decision on that after careful consideration we do not see any new elements in the document justifying any changes. Further more the changes that would be proposed are not clear.

7. Concerning the clarification proposed to the note in SP 363 in par; 2 to 4 and proposal 1, we agree that this note would benefit from some clarification and would support proposed addition except that the reference to 1.1.3.7 should be more precisely to **1.1.3.7 (b)** because 1.1.3.7 a) does not relate to carried vehicles. We agree that the same principle applicable to liquid fuel is valid for gaseous fuel, and although these entries do not cover battery powered machines they might contain equipment that are battery powered and need to work during transport. However we see this as a redundancy justified by user-friendliness because such equipment are in any case widely exempted by the new special provision applicable to UN 3171 for the ones that are battery powered and the different quoted paragraph of part1 would apply anyway independently from the special provision.

The new text would read as follows: "**1.1.3.2 (a), (d) and (e), 1.1.3.3 and 1.1.3.7(b)**"

8. Concerning the proposal to add a provision allowing the cock to be open for vehicle using gas as fuel similarly to what is allowed for liquid fuels. This could be done easily by adding the appropriate text to (b) in SP 666. However it has to be noted that this has never been allowed in RID ADR before. So this issue cannot be decided under pending issues; Before making a decision it would be better to carefully check that it is necessary, and if the specific risks related to gases would allow to do so in safe manner and to check also what should be done with the requirement concerning the electric contact. However if the Joint Meeting is ready to make such decision we would not oppose it.

9. Concerning the problem related to the carriage of a trailer fitted with an equipment destined to work when it perform a transport operation. As already said the problem does not come from the placement of text in part 1 or in a special provision. The ambiguity that might occur here comes from the new Entries 3528, 3529 ,3530. It is a new problem that has not been encountered before. It is true that if nothing is said a trailer fitted with an engine (for instance a refrigerated unit) or with a heating device that has to be operated during a transport operation, when it is separated from its tractor and transported separately falls under one of the new entries, because the entries covering vehicles (UN 3166 and 3171) only apply to self propelled items. We understand that it is logical, in the context of land transport, to deal with these trailers in the same way that is done for vehicles. This issue has been discussed at the last session and based on a proposal by Germany the Joint meeting adopted the addition of some text in 1.1.3.3. to allow the exemption of these trailers. In addition we have the note mentioned in paragraph 7 above that also says that they do not fall under these new entries for machinery (UN3528,35289,3530).

If this is not clear enough we believe that there is a better way of clarifying it than moving text back to part one. And it would be simply to add a new special provision saying clearly that these trailer maybe carried under the same condition as vehicles (although they are not in conformity with the definition in the special provisions). If this is adopted the new text added to 1.1.3.3; would be superfluous. We propose the following text (in English and French versions)

Proposal

1) add the following special provision XXX to chapter 3.3:

English text:

“ XXX A trailer fitted with an equipment, powered by a liquid or gaseous fuel or a battery, that is intended for use during a carriage operated by this trailer as a part of a transport unit may be carried under the same conditions as specified for vehicles assigned to UN 3166 or UN 3171 “

French text:

“ XXX Une remorque dotée d'un équipement, fonctionnant à l'aide d'un combustible liquide ou gazeux ou d'un accumulateur, destiné à fonctionner pendant un transport effectué au moyen de cette remorque en tant que partie d'une unité de transport, peut être transporté dans les mêmes conditions que les véhicules des numéros ONU 3166 et ONU 3171. “

2) Assign special provision XXX to UN 3166, 3171, 3528,3529,and3530;

3) Consequential, amendment: “Delete the amendment adopted at the end of the first sentence of 1.1.3.3 at the last session”